

INVESTIGATIVE REPORT

Prepared by Sam Heaton,

Public Safety Director

I. COMPLAINT RECEIVED

On the morning of July 14, 2015, at 2:22 am, Commissioner Cupid called me and told me about an incident that had occurred that frightened her. She described how she was followed very closely by a car from the Wingate Hotel to and through her neighborhood. She stated that she felt as if she were going to be attacked, and by not knowing what was happening, she decided to flee the area, go to a well lit place, and call 911. When the officers arrived, she was told that the car that had been following her was an undercover police officer. She was also told why the officer followed her and the reason for the operation that was taking place. She said the officers who responded to her location were very nice and even escorted her back to her home. She told me that she wanted the matter investigated, and I assured her I would work with Chief Houser to investigate it and we could meet with her the next morning to let her know what we had found out at that time. I apologized to her that this incident occurred, and we ended the conversation.

II. ACTIONS TAKEN

I immediately phoned the County Manager and Deputy Chief Tim Cox to make them aware of the incident and asked Cox to have the Sergeant gather some information for me so we could share it with Commissioner Cupid. I met Commissioner Cupid before the Board of Commissioners meeting to let her know that I had some information and asked if we could meet. She agreed and we met at approximately 11:00 am to discuss the information we had gathered.

Commissioner Cupid, Chief Houser, Bianca Keaton, and I met in the BOC conference room to discuss the incident. Chief Houser and I described what we knew of the incident based on the information we had received from Sgt. Marchetta. Commissioner Cupid described the incident from her point of view and how the incident made her feel. Chief Houser and I both apologized to her that this incident occurred and assured her we would gather more information as she requested to address some of her concerns. Chief Houser also offered to provide a police escort for her in the future if she planned to continue using the hotel.

I believed we had covered many of the questions asked; however, there were still some unanswered, such as:

- *What is the policy for undercover cars and is there a better way to do this to prevent this from happening in the future?*
- *What did the officer see to suspect me?*
- *Why did the officer close in on my vehicle so fast?*

These questions could not be answered without speaking with the officer involved and reviewing current policies.

When we left the meeting, it was my understanding that Commissioner Cupid wanted us to investigate further, to review our current policies and compliance of said policies, and to get back with her regarding our findings and any actions we had taken to possibly avoid this type of incident from occurring in the future. She also mentioned that she would like for us to examine some type of medium to help mediate these types of events in the future. We did not set a timeline for completing the investigation and return visit with her. Upon leaving, Chief Houser and I both agreed that police staff would begin working on the investigation immediately, but we would allow her time to complete her bar exam before we got back with her.

I contacted the County Manager and advised him that I thought the meeting went well, but we still had some work to follow up on.

The next morning, on July 15, 2015, at 10:20 am, Commissioner Cupid sent an email with an attached memo that included her purpose for the memo, her description of the events of July 14, her outstanding questions, her observations, and her suggested path forward.

Later in the day on July 15, 2015, at 1:28 pm, I received an email from Bianca Keaton requesting photos of the car involved in the incident and a copy of the audio from the 911 call she made on July 14. I sent Commissioner Cupid an email with the 911 call attached and let her know that I had photos of the vehicle involved, but had to check with Police and Legal before I released them due to it being an undercover car and the possibility of jeopardizing cases or endangering police officers.

She sent me a return email that evening at 6:25 pm stating she understood the issue with the photos, but also stated she expected a much quicker and detailed response of why the officer followed her and why he sped after her car in the manner he did. I responded to her email the following morning at 7:12 am letting her know I was working on a response for her. I sent her my response at 3:01 pm on July 16, 2015.

A full chronology of actions taken in response to the complaint is contained in the investigation section of this report under the heading "Investigation: Chronology of Actions".

III. COMMISSIONER CUPID'S ACCOUNT OF THE INCIDENT

Commissioner Cupid's memo of July 15 contained a detailed account of the events of July 14, 2015, and asked a number of questions. Her outstanding questions will be answered in

the investigation section of this report, but the following is the Commissioner's description of the events that occurred:

Yesterday I feared for my safety as someone I believed with criminal intent sought to cause me harm, only to find out that it was a Cobb County police officer in an unmarked vehicle. Below is a detailed, bulleted list of events as experienced and perceived.

- For the past 2-3 weeks I have been studying at the Wingate Hotel in preparation for my bar exam.
- I study there because the hotel is one of the few gathering spaces in our community, and no more than 2 minutes away from my home in the Six Flags area.
- I am also friends with the owner, who I had met while serving on my homeowners association.
- Each night I typically wrap up my studies at the hotel between 11pm and 1am, but this particular evening I stayed until 1:30am.
- As typical, an employee of the hotel either watches me or walks me out to my vehicle to make sure I get in safely.
- In continuance of that vigilance, and more so in my hypersensitivity to criminal reputation of the area, I always intently keep watch of my surroundings as I drive home from the hotel, until I see my garage door fully close.
- But this night felt different. I felt like I had pushed it a little too far in leaving past 1am albeit for 30 minutes.
- An employee of the hotel walked me to my car, but before I entered, the employee and I carried on a brief conversation.
- Upon close of that conversation, I headed home.
- I felt uneasy, perhaps because I was tired.
- And I could tell because I did not completely stop at a stop sign.
- I felt that this was a perfect opportunity for me to get stopped by a police officer.
- That did not happen.
- In caution, I drove home, glad the light in front of me was green, and that I saw no flashing lights.
- As I began to turn into my subdivision, I saw a car at the bottom of the street as I made my way towards the top.
- On occasion I will see another car in the neighborhood as I head home, though uncommon.
- Still I looked back again being cautious and sensitive of my surroundings.
- What I saw seemed to create a scene of all that I had feared for in my routine late night travels from the hotel to the home.
- A car with a defective headlight sped rapidly towards my car at the top of hill.
- The grade of the street and curve at the top of the street are steep enough and sharp enough for me to evaluate the cars speed as erratic.
- When I stopped at the stop sign, the car stopped behind me as if to hit me.
- I began to be filled with fear.
- I looked at the car again so see that its front window is pitch black. No one was identifiable in the car. That is when I began to panic. I couldn't make out the disposition of the person or how many people were in the car.
- I debated in making a right away from my home or to the left.
- I don't know why but I chose left.
- I prayed the car chose right.
- It did not.

- Instantly my panic escalated.
- When I looked at the car again, I observed it was dull gray and the body of the car was unfamiliar to any type of car I had seen before. This car had the features of a coupe type car, with elongated and blocky features more reminiscent of 90s cars. The car if not an old Impala, looked to be a chop shop type car. The thing that scared me was the windows on the driver's side and the driver's rear were also pitch black, so I again could not quickly piece together a comfort from seeing some type of life form in the car. I did not know, was there one person in the car? Two? A car full? Were their guns propped and ready?
- The car also had distinct black block letters with what I also believe to be black stripes along the lower body of the car placed in such a manner that showed less care for style than it was to send a message.
- My home was only six homes away on the left.
- I did not want those in the car to know where I lived so instead of turning left into my driveway I made a quick turn into a short cul-de-sac on the right believing I could take short refuge as the car proceeded past.
- There are only about 5 homes in the cul-de-sac and almost 300 homes in the subdivision so the likelihood of the car turning in to the cul-de-sac was almost nil.
- To my greatest fear the car made a right.
- At this moment I knew that this car, the person in the car, the people in the car were dead set to get me. I looked to my home to only see it had no lights on—my husband probably asleep. I knew I would not have enough time to get his attention to be safe from the intentions of this vehicle.
- I quickly turned left out of the cul-de-sac back towards the front of the neighborhood.
- Only this time, I was the one driving erratically down the steep and curved road.
- I didn't see the car behind me, but also did not want to look back either.
- I fumbled around the passenger seat for my phone. It was in my bag and I frantically dumped out its contents to retrieve it.
- I did not know whether to drive to a police precinct which was at least 20 minutes away or somewhere else
- I chose somewhere else where I have seen Cobb County police in the past: at the QuikTrip off Six Flags Drive.
- As I headed there, I frantically called 911 fearful at any moment the car would be right behind me, this time with a definite intent to harm me for not acquiescing in the cul-de-sac near my home.
- The 911 operator told me to go to QuikTrip, but to utter dismay no police car, and people hanging out up front.
- I did not want their attention, as I thought they would see a woman out by herself at night in her car and I become a victim twice.
- I sat in my car, realizing at this point that my entire body is shaking uncontrollably.
- The operator told me to keep her on the phone. I did. (I am grateful to God for her)
- I also left my car running while I waited inside at the QuikTrip parking lot just in case I would have to speed off again.
- At this point every person I saw looked as if they were a suspect that could get me. Even worse, I thought every car that drove to or past QuikTrip was going to be the gray car.
- To my dismay a gray sedan pulled into QuikTrip. But it lacks the strange shape, tint, and block letters of the car I had recently encountered. I again am filled with great fear. A young man,

probably early 20s steps out. He does not look angry nor does he look my way. He finishes putting gas in the car and drives off.

- I continue to wait for what seems to be an eternity, though again it took about 10 minutes from the time I called 911 for the police to appear.
- An officer approached my car. I was still shaking.
- He was cordial and apologized, explained that the car that I was fearful of was an unmarked undercover vehicle.
- He provides that surveillance has been increased in the area due to the increase of breaking into autos particularly at the hotel.
- He provides that I was followed by the officer purposefully for being in the area of the hotel.
- He provided that when the officer that was following me called in to have my tag read, they saw that the vehicle belonged to me and ceased all action in following my car.
- I expressed neither relief nor anger.
- I was still in a shock.
- My shaking had not subsided.
- I cannot remember the entire conversation as vividly as other events.
- I recall talking with the officer and the 2nd one that arrived about my bar examination and that I was out late.
- I recall the officer providing in the future that I can have a police escort from the hotel.
- I did ask for an escort home that night I was still very much shaken by what occurred, and feared driving home as much as I feared not being home.
- When I arrived home I immediately woke up my husband.
- I shared with him what happened and began to have questions, and began to feel frustrated not only for me, but for my community, and for any other person whose interaction with police is initiated by either undue or excessive police provocation.
- I called all persons within the chain of command of the police officers: Captain Adcock, Chief Houser, Director Heaton, and the County Manager. I left messages with all, but was able to directly speak with Director Heaton.

IV. INVESTIGATION

The following statements are based upon the results of an investigation of the Complaint presented by Commissioner Cupid relative to the events of July 14, 2015.

BACKGROUND

On July 7, 2015, Captain Adcock, the Precinct Commander at Precinct II, received an email from the department Crime Analyst referencing a significant increase in “Entering Auto” crimes at various hotels located in the 215 Beat (areas serviced by patrol officers). The Crime Analyst provided an illustration of the crimes on a map and said they had experienced 15 “Entering Autos” from June 29 through July 9. The hotels noted were located on South Service Road and Lee Industrial Boulevard. The Wingate Hotel at 65 South Service Road has had over 35 calls for police services in the last year to include thefts, suspicious persons, and damage by vandals, among other things. There have also been over 130 “Entering Autos”

since the first of the year within a one-mile radius of this address. The email and data led to conversations during squad meetings and the Sergeants at the Precinct wanted to take a proactive approach by conducting an undercover detail. Undercover operations were selected as an effective method to place officers in a specific geographic location with a significant possibility of identifying or apprehending the offenders.

COBB POLICE OFFICERS' ACCOUNT OF THE INCIDENT

On July 14, 2015, Cobb County Police Officer Lawson (Precinct 2) was assigned to a surveillance detail to work the South Service Road / Six Flags area to combat entering auto crimes that had been occurring in the area. The Department had seen an 83% increase in entering auto crimes in that precinct beat area (215 beat) for the first six months of 2015 when compared to the first six months of 2014. A second officer was assigned to the detail in a marked uniform police car to conduct any traffic stops or enforcement activities that might be needed.

Officer Lawson began this detail at approximately 22:30 hours. At approximately 01:40 hours, he was parked in an unmarked police vehicle (Pontiac Grand Prix) in the parking lot of 65 South Service Road (Wingate Hotel). Officer Lawson was observing the parking lot area and the entrance/exit of the parking area. While doing so, he had focused his attention on a family that had arrived at the hotel and was unloading their vehicle. During this time, he saw the reverse (back-up) lights become activated on a SUV that was also in the parking lot. He had not noticed anyone walk to the vehicle from the hotel or anyone leave the vehicle and walk back to the hotel. He stated that he was thinking that the vehicle must have arrived at the hotel, conducted a "turn around" maneuver in a parking space, and was attempting to leave. The SUV left the parking lot and traveled east on South Service Road. The officer noticed that it was traveling at what he perceived a higher speed than other vehicles he had observed. Officer Lawson stated that he noticed the SUV make a left turn onto Six Flags Parkway without using a turn signal. He became suspicious that some type of criminal activity may have been occurring so he decided to follow the vehicle.

Officer Lawson exited the hotel parking lot and attempted to catch up to the SUV. He called for the marked uniform police car that was supporting the surveillance operation to respond. The SUV turned into the Silver Mine neighborhood, on Silver Mine Trail. At that point, Officer Lawson was finally able to catch up to the vehicle. He made note that the vehicle was still traveling at a high rate of speed in the residential area, an observation that continued to raise his suspicion. Officer Lawson was finally able to get the SUV tag number and asked the 911 dispatcher for a registration check as he approached Silver Mine Trail and Silver Mine Crossing. The SUV turned left onto Silver Mine Crossing, and took an almost immediate right onto Silver Mine Court. The officer did not want to lose sight of the vehicle, so he continued following onto Silver Mine Court. This roadway is a cul-de-sac area, and as he turned into it, the SUV was turning around in the cul-de-sac to return from the direction it came. At that time, information was provided on the police radio that the vehicle was Commissioner Cupid's vehicle. Sergeant Marchetta heard this and realized that the vehicle was in Commissioner Cupid's neighborhood. He instructed Officer Lawson to discontinue his

involvement with the SUV. Officer Lawson complied and drove back through the neighborhood and returned to the hotel parking lot. He never saw the SUV again. The time from when Officer Lawson saw the vehicle leave the hotel until he discontinued his involvement was approximately two and half minutes and covered approximately one and a half miles. Following is the officer's timeline of the incident:

22:30 hrs – 2151(call sign for Officer Lawson) Begins hotel surveillance in the South Service road area / Wingate Hotel

01:40 hrs (approx) - 2151 Observes vehicle (later determined as a Lexus) activity, then rapidly departing the Wingate Hotel. Vehicle turns right on South Service Rd as 2151 starts his car. When 2151 reaches Hotel entrance the vehicle was then turning left on Six Flags Parkway. When 2151 reached South Service Rd and Six Flags Pkwy, the vehicle was then at Lee Industrial Blvd.

01:40:59 hrs - 2151 gives 911 vehicle description and tag

01:41:33 hrs - 2151 advises vehicle on Silver Mine turning around.

01:41:58 hrs - 2102 (Sgt. Marchetta) ask 911 who the tags returns to.

01:42:20 hrs - 911 advises Lisa Cupid, 2004 Lexus, Silver Mine Crossing, Austell

01:42:30 hrs - 2102 confirms with 911 Lisa Cupid?

01:42:34 hrs - 911 advises affirmative and officer discontinues involvement

911 CALL AND ESCORT

At approximately 01:44 hours, Commissioner Cupid called 911 about a suspicious vehicle that had followed her. She drove to the Quick Trip, located on Six Flags and waited for a Cobb County Police unit to be dispatched to her. Sergeant Marchetta responded to the location and met with the Commissioner. He listened to her concern that a suspicious vehicle had just followed her from the Wingate Hotel to her neighborhood and that she was very concerned and upset, feeling that the person in the vehicle meant her harm. Sergeant Marchetta explained that the vehicle was a Cobb County Police vehicle that was involved in a surveillance detail. He attempted to ease Commissioner Cupid's fears and offered to have an officer escort her home. She accepted the offer and was escorted home by another Precinct 2 police officer that was in a uniform marked unit. Below is a timeline of Commissioner Cupid's call and escort home.

01:44:50 hrs – 911 call placed by Commissioner Cupid

01:48:51 hrs - 911 raises 2103 (Sgt. Latham)

01:48:52/01:49:02 hrs - 911 notifies 2103 of a signal 54 call (suspicious person) from Quik Trip on Six Flags Pkwy

01:49:08 hrs – 2116 code 8 (enroute) to QT

01:49:19 hrs – 2102 requests the name of the complainant at QT

01:49:27 hrs – 911 advises Lisa Cupid

01:49:30 hrs – 2102 acknowledges and is code 8 (enroute)

01:52 hrs (approx) - 2102 10-7 (on the scene)

02:01:12 hrs – 2116 (Officer Bridges) 10-7 (on the scene)

02:02:32 hrs – 2102 and 2116 10-8 (in service)

02:02 hrs – 2116 Begins escort

02:06 hrs – 2116 Ends escort

INVESTIGATION: CHRONOLOGY OF ACTIONS

The investigation began at 2:22 am on July 14, 2015, when I received a phone call from Commissioner Cupid and she explained to me what had happened and described how upset she was from the incident. I assured her that I would get with Chief Houser to gather information regarding the incident and we would get back with her as soon as possible to discuss the issues. I apologized to her that the officer's actions had made her feel threatened. I immediately notified County Manager David Hankerson and then contacted Deputy Chief Tim Cox so he could begin the investigation. Below is a timeline of the work that has been done since the complaint was received:

July 14, 2015 / 2:38am

I contacted Mr. Hankerson and advised him of the situation and that we were gathering information and would follow up with the Commissioner and keep him advised.

July 14, 2015 / 2:40am

I called Chief Houser and was not able to connect.

July 14, 2015 / 2:41am

I spoke with Deputy Chief Cox and advised him of the situation and requested to have information gathered.

July 14, 2015 / 3:40am

I received an email from the Commissioner asking for the incident to be investigated and that she would like to be provided with a copy of the detailed report.

July 14, 2015 / 3:57am

I received an email from Deputy Chief Cox advising he had spoken with Sgt. Marchetta and giving me a brief description of what had happened based on what he was told and that Sgt. Marchetta was putting together an email to send.

July 14, 2015 / 4:46am

Chief Houser and I received an email from Sgt. Marchetta through Deputy Chief Cox describing the incident.

July 14, 2015 / 8:55am

I met with the Commissioner before the start of the BOC meeting and advised I had some information and asked if she would like to meet. The Commissioner agreed and suggested we meet after the BOC meeting.

July 14, 2015 / Approximately 11:00am

Chief Houser, Bianca Keaton, and I met with the Commissioner in the BOC conference room to discuss the incident. Chief Houser and I described what we knew of the incident based on the information we had received from Sgt. Marchetta. The Commissioner described the incident from her point of view and how the incident made her feel. Chief Houser and I both apologized to her that the incident occurred and assured her we would get the information requested. Chief Houser also offered to provide a police escort for the Commissioner in the future if her plans included the continued use of the hotel. I felt we had covered many of the Commissioner's questions; however, there were still some unanswered, such as:

What is the policy for undercover cars and is there a better way to do this to prevent this from happening in the future?

What did the officer see to suspect the Commissioner?

Why did the officer close in on the Commissioner's vehicle so fast?

When we left the meeting, it was my understanding that the Commissioner wanted us to investigate this further, review our current policies and compliance of said policies, and get back with her on our findings and what actions we had taken to possibly avoid this type of incident from occurring this in the future. The Commissioner had also mentioned that she would like for us to examine some type of medium to help mediate these types of events in the future. We did not set a timeline for completing the investigation and return visit with the Commissioner. Upon leaving, Chief Houser and I both agreed that police staff would begin working on this immediately, but we would allow the Commissioner time to complete her bar exam before we got back with her.

I contacted the County Manager and advised him that I thought the meeting went well, but we still had some work to follow up on.

July 14, 2015 / 1:25pm

Chief Houser met with Deputy Chiefs Prince and Cox to discuss the incident and how to gather the information needed to answer the Commissioner's questions.

July 14, 2015 / 2:48pm

An email was sent to all precinct commanders stopping all undercover (U/C) operations until further notice.

July 14, 2015 / 10:00pm

Deputy Chief Cox spoke with Sgt. Marchetta by phone and advised him that Commissioner Cupid may be requesting escorts and that doing so had been approved by HQ.

July 14, 2015 / 21:17hrs

DC Cox sent a follow up email to Precinct II Lieutenants and Captain Adcock advising of the approval of the escort.

July 15, 2015 / 8:26am

Officer Lawson (driver of U/C car) was sent an email requesting detailed information of his observations and actions regarding incident (he was on scheduled time off, but calls were made and messages left for him).

July 15, 2015 / Approximately 9:00am

DC Cox contacted Crimes Analysis personnel and requested crime stats for a one mile radius of S. Service Road from January 1, 2015 to present.

July 15, 2015 / 10:20am

I received an email with a memo from the Commissioner describing the incident and stating she had remaining questions (many that had been discussed the day before) and that she was requesting an adequate response that would include:

- Uncovering the details of how something like this occurred from a matter of protocol and practice
- Providing details as to what actually occurred and what could be done to prevent its occurrence
- Providing what measures will be taken to restore not only the Commissioner's peace of mind but those of communities and individuals subject to such activity

July 15, 2015 / 12:14pm

DC Cox requested data received from Crime Analysis which showed an 83% increase in entering autos since last year in 215 beat.

July 15, 2015 / 1:28pm

I received an email from Bianca Keaton requesting photos of the car involved in the incident and a copy of the audio from the 911 call the Commissioner made on July 14.

July 15, 2015 / 1:49pm

DC Cox requested pin map reflecting above data and same was received.

July 15, 2015 / 2:00pm

Requested calls for services at address of Wingate Hotel (65 S. Service Road) for 1 year period showing approximately 40 calls.

July 15, 2015 / Afternoon

DC Cox gathered information regarding window tinting on vehicles and any exceptions to law enforcement.

July 15, 2015 / 3:17pm

DC Cox sent Shift Lt. Ballard a list of questions about the incident to be answered. Questions were:

1. What led to the decision to conduct this operation?
2. What restrictions or criteria were put into place prior to the operation?
3. Comparison of crime stats in 215 beat.
4. How many supervisors were working on Morning Watch on Monday-Tuesday night shift?
5. Was a supervisor assigned just to oversee this operation or was supervision spread between the beats and the operation?

He responded at 5:57am on July 16, 2015. Lt. Ballard also advised Officer Lawson would be off for the next three days. Will continue to reach out to him for his report.

July 15, 2015 / 2:49pm

I received an email from Chief Houser with the photos of the car and the 911 audio. Because the vehicle is an undercover vehicle, I wanted to be sure it was clear to release the photos so as not to put cases or officers at risk. I contacted Legal for advice, but due to being unable to make contact before the close of business, I sent the Commissioner an email explaining the situation at 4:57 pm.

July 15, 2015 / 6:25pm

I received an email from the Commissioner letting me know she received the email and that she expected a quicker response from us regarding the incident.

July 16, 2015 / 7:12am

I sent the Commissioner an email letting her know that I was working on the response and would like to meet with her if possible.

July 16, 2015 / 12:50 pm

Received an email from Officer Lawson, through his chain of command, explaining his actions as the undercover vehicle operator on the morning of July 14, 2015.

July 17, 2015

Spent majority of the day reviewing all information gathered regarding the incident as well as department policies and procedures. Spent time responding to questions asked by Commissioner Cupid in her two emails. Met with County Manager and Legal to discuss response letter.

V. Commissioner Cupid's Questions with Answers

In two emails Commissioner Cupid asked questions related to this incident and although some were discussed in the meeting held on July 14, I would like to provide answers in this report, addressed to Commissioner Cupid. Below are the questions and responses:

From memorandum dated July 15, 2015

1: What justified this unmarked officer in intimidating me and speeding towards my car as if to hit me?

The investigation of this matter revealed no intention or desire of the officer to intimidate you. He did close in on your vehicle to obtain a tag number, make and model of the vehicle, and possibly the number of subjects in the vehicle.

2: What is the benefit of such protocol?

Obtaining information from a tag assists officers in determining if a vehicle is possibly stolen, wanted, or does not match make and model. The use of unmarked vehicles also enhances the department's ability to conduct surveillance and interdict crime before it is completed.

3: How does it serve a purpose of catching those breaking and entering vehicles?

The use of unmarked vehicles enhances the department's ability to conduct surveillance and interdict crime before it is completed thereby preventing citizens from being victimized.

4: Why was such a vehicle being used to tail someone?

The use of unmarked vehicles enhances the department's ability to conduct surveillance and interdict crime before it is completed thereby preventing citizens from being victimized.

5: What if my children were in my car?

While conducting law enforcement activities, officers are constantly evaluating their actions to determine the safest manner to obtain information on possible suspects while also protecting any uninvolved citizens that are in the area. When officers observe children in the area, they adjust their tactics to ensure that the safety of the children is maintained.

6: Would this action still be justified?

If the officer had knowledge of a child's presence, he would evaluate his response to the situation and make the child's safety the most important factor.

7: At what moment in the night did I become a suspect (When I was walking out the hotel, driving)?

Officers are trained to evaluate the "totality of the circumstances" in determining if reasonable suspicion exists to conduct an investigatory detention of a person. In your case, you were never stopped and the officer was still gathering facts related to the totality of the circumstances to determine if a stop was warranted.

8: What about me, my car, my actions made me a suspect?

As stated above, officers are trained to evaluate the totality of the circumstances to determine if reasonable suspicion exists to conduct an investigatory detention, which did not occur. In this case the undercover officer was working a detail when he saw reverse lights and thought your vehicle must have arrived at the hotel while he was looking away, conducted a "turn around" maneuver in a parking space, and was attempting to leave. His observation was that the vehicle left at a higher rate of speed than normal and he became suspicious and decided to follow the vehicle.

9: Did he see me when I left my hotel, when I was in my car?

As stated above, your vehicle was first observed when the back-up lights came on in your vehicle while it was in the parking lot. The officer did not see you before you entered your vehicle.

10: Did he know I was young, a female, black?

No. The officer did not see you and had no description of who was in the vehicle.

11: What justifies criminalizing members of an entire community to catch criminal activity?

The Cobb County Police Department does not criminalize anyone. This area of the County has seen an 83% increase in entering auto crimes this year over the same time period of last year. The officers assigned to work this area were striving to reduce this criminal activity.

12: How pervasive is this type of activity that out of the 700,000 members of Cobb County community, that one of the five persons who run this County is a victim of this type of activity?

This question requires clarification and statistical information not within the control of the department at this time to provide an accurate answer.

13: When the police officer ran and pulled my tag and saw the vehicle was mine, why did he stop pursuit?

As stated in the Background Section, a field supervisor heard your name on the tag return and directed that the operation be ceased.

14: If the concern was about breaking into vehicles, how did the officer not know that car was being stolen?

When the field supervisor heard it was your car and had pulled into your neighborhood, the supervisor evaluated the totality of the circumstances and determined a stop was not warranted.

15: If the officer ran my tag and stopped pursuit upon seeing the vehicle belonged to me, what would have been the officer's course of action had he run the tag and saw the vehicle did not belong to me and belonged to an ordinary citizen? What if an ordinary citizen were driving the car? My neighbor, young adults, my parents.

The officer and supervisor would have used the totality of the circumstances to determine if a brief investigatory stop was warranted and would have a marked police car conduct a stop, if it was legally justified.

16: Why is it justifiable for a police officer to engage in actionable offenses of speeding and tailing someone?

Officers are required to drive with due regard for the safety of all persons at all times. There are situations, while driving with due regard, when an officer's conduct may be justified when it is in reasonable fulfillment of his duties as a government officer.

17: Why is it okay for a police officer to cause apprehension, instill sheer fear and intimidate?

The conduct of the officer in this incident was not intended to cause apprehension, fear or intimidation to anyone.

18: Why is it okay for the police to drive with a broken headlight and with opaque black windows? Are they not creating a questionable element?

It is a violation of the Georgia traffic code for a vehicle to operate on Georgia roadway with a defective headlight. This is an equipment issue that will be repaired. In regard to the window tint on the vehicle, the vehicle's window tint level is within the legal limits of Georgia law.

Even if it were not, O.C.G.A. 40-8-73.1 contains an exemption to any law enforcement vehicle. This vehicle is owned by Cobb County government and assigned to the Police Department for law enforcement activities. The need for window tint on a vehicle that is used in surveillance operations is to conceal the presence of police officers within the vehicle for safety purposes while they are observing potential or actual criminal activity.

19: Why was a marked Cobb County police car not used instead of a very seedy looking undercover car?

Although I disagree that the car used was “seedy”, the use of unmarked vehicles enhances the department’s ability to conduct surveillance and interdict crime before it is completed thereby preventing citizens from being victimized. A marked car would have been used if a stop was being initiated.

20: What if I in my state of panic I drove erratically and got into an accident?

The Cobb County Police Department does not want any resident or visitor to be involved in an automobile crash or to drive erratically. If a driver makes a decision to drive erratically and has an accident, the officer’s first responsibility would be to preserve life and reduce any further injury. The Department’s supervision is constantly reviewing the actions of its officers to ensure that their actions do not violate our policy or cause hazardous situations.

21: What if I drove erratically and the cops continued pursuit?

While this incident did not involve a motor vehicle pursuit, the Cobb County Police Department has a detailed policy regarding police pursuits and has ensured its officers have been trained on that policy. Any pursuit that is conducted is thoroughly reviewed by supervision for policy and safety compliance.

22: Upon confrontation, would they criminalize me for not responding calmly, cooperatively to their own initiated, intimidating provocation?

The Cobb County Police Department does not criminalize any individual. The Department follows criminal law concerning reasonable suspicion and probable cause to determine if a crime has been committed.

23: What benefits are reaped when the police exacerbate the already tenuous concerns around safety in their actions to deter it? How do they themselves not constitute the unsafe element of this community?

As stated previously, the actions of the police in this situation were to interdict crime and protect victims, not to cause fear in the community. The Cobb County Police Department has taken great steps, while working with elected officials in the community, to strengthen relationships between the community and the department.

The following are questions presented in Commissioner Cupid's July 15th e-mail labeled "Follow-up to yesterday's meeting"

1: Why did the officer follow me?

Answered above.

2: Why did the officer speed after my car in the manner he did?

Answered above.

3: What were the specific facts that made him follow me?

Answered above.

4: What protocol was he following when he approached my car and followed it?

Answered above.

5: When he decided to follow me and if the concern is about breaking and entering autos, why did he make the decision to not continue pursuit?

This is answered in Questions 13 and 14 above.

6: What immediate steps were put in place to make sure this does not happen to anyone?

After meeting with you on July 14, an email was sent to all precinct commanders stopping all undercover (U/C) operations in the precincts until we had a chance to investigate the incident. The Department is reviewing its policy on surveillance operations and precinct involvement to ensure the policy is consistent with generally accepted police practices. It is noted, however, that the Department cannot ensure how a person will perceive actions of the police in any condition or incident.

7: Was there an immediate change articulated to all officers in the protocol of when and how to use unmarked cars vs. marked cars?

The Department is reviewing its policy on surveillance operations and precinct involvement to insure the policy is consistent with generally accepted police practice.

VI. FINDINGS

While investigating this incident and reviewing the comments/questions by Commissioner Cupid, the data provided, and the involved officer's comments, I can see this case from the perspective of both individuals.

First, I can identify with the fear that Commissioner Cupid perceived based on the totality of the circumstances. As she stated in her memo "... so I again could not quickly piece together a comfort from seeing some type of life form in the car. I did not know. Was there one person in the car? Two? A car full? Were their guns propped and ready? Therefore, Commissioner Cupid did what she should have done if she suspected a suspicious person was following her. She moved quickly to elude the person, called 911, and went to a well lit, populated area.

At the same time, I can identify with the officer who might have been asking himself the same type questions as he followed an unknown vehicle from a location that was under surveillance due to an increase in crime. He observed a vehicle leaving that location at a high rate of speed and moving quickly through an unknown neighborhood. The officer's job was to identify the vehicle, possibly determine the number of occupants in the vehicle, and based on the totality of the circumstances, determine whether reasonable suspicion existed to conduct an investigatory detention. If so, the officer's procedure would have required him to notify a police officer in a marked vehicle to make the stop. Once the officer knew the occupant of the vehicle, the matter was concluded.

Based upon my review of all circumstances, I conclude there was never any intent to frighten or intimidate anyone by the officer. This incident reflects an unfortunate series of events that occurred over a few minutes that inadvertently frightened Commissioner Cupid, understandably so. At the same time, the actions of the officer were initiated based on proactive police work in an effort to deter and reduce crime in the community.

Following a thorough review of the facts surrounding this incident, it is my conclusion that the officers involved acted within departmental policies and guidelines. The officers were working together in an effort to prevent crime in an area that has seen a substantial increase over the last year. I have apologized to Commissioner Cupid and commended her on her actions as she did what should be done if one feels she or he is being followed.

Although the officer's actions in this incident were within departmental policies and procedures, the Department always seeks to obtain and benefit from lessons learned from such incidents. Officers will be made aware of how an unmarked vehicle may be perceived in today's world of car-jackings, hit-and-run robberies, and other similar crimes. The circumstances of this incident will be used as a training tool to remind officers of how their actions may be perceived when they operate in undercover vehicles and what actions they may take to lessen the impact of similar incidents in the future. Undercover work will continue in the Precincts on Monday, July 20, 2015, following policy review and discussion with the Precinct Commanders.

Repairs have been made to the headlight on the undercover vehicle used during this incident. Moving forward, the department will check the operational effectiveness of undercover vehicles before each use to lessen the chance of having faulty equipment during undercover operations.

The Department has and will continue attempts to improve community awareness of crimes and/or ongoing issues in the community through public forums such as town hall meetings, business associations meetings, home owner's association meetings, neighborhood meetings, police electronic notification system (PENS), and neighborhood watch programs.

The Department will review their Complaint Receipt procedures to ensure valid complaints are received, evaluated, appropriately investigated, and documented to include a response to the complainant.